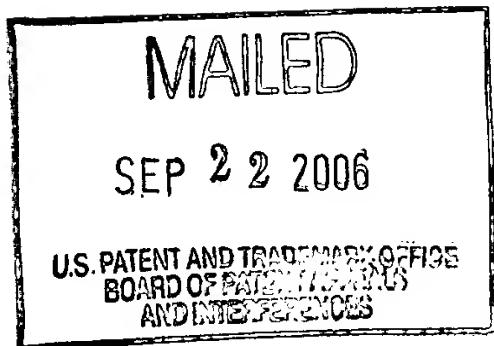


UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---



Ex parte STEPHEN F. GASS  
and  
DAVID S. D'ASCENZO

---

Application 09/929,227

---

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

---

This application was received electronically at the Board of Patent Appeals and Interferences on August 30, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

An examination of the Image File Wrapper (IFW) reveals that Information Disclosure Statements (IDSs) were filed on September 6, 2004, December 9, 2004, December 19, 2004 and October 5, 2005. It is not

apparent from the record whether the examiner considered the statements submitted or notified appellants regarding why their submissions did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying appellants of the Primary Examiner's decision is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for consideration of the IDSs filed September 6, 2004, December 9, 2004, December 19, 2004 and October 5, 2005;
2. for written notification to appellants regarding the Primary Examiner's decision; and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:



DALE M. SHAW

Deputy Chief Appeals Administrator  
(571) 272-9797

DMS:psb

SD3, LLC  
25977 S.W. Canyon Creek Road, Suite G  
Wilsonville, OR 97070